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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,580	10/20/1999	KIM C. SMITH	98-0865	4351

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EXAMINER

TRAN, MYLINH T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/421,580

Applicant(s)

KIM C. SMITH

Examiner

Mylinh T Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Appeal Brief filed 11/04/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 10-12, 14, 18-19, 23-25, 27, 31-32, 36-38, 40, 44-45, 49-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Goh [US. 5,678,015].

As to claims 1, 14, 27 and 40, Goh discloses at least two selectable targets displayed on at least a portion of said display (figure 5, column 53-63). Besides, each icon (target) in figure 6 has at least two sides; said at least two selectable targets capable of being displayed in a simulated rotation about an axis while remaining continuously selectable during said simulated rotation (column 6, lines 1-10); a cursor capable of being displayed on said display' a cursor control device capable of controlling said cursor's position and movement on said display (column 4, lines 15-16).

As to claims 5, 18, 31 and 44, Goh also demonstrates interface is capable of modifying said targets being displayed on said display in response to a change in focus on content being displayed in another portion of said display (column 3, lines 47-60).

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As to claims 6, 19, 32 and 45, Goh teaches the interface is capable of displaying said simulated rotation of said targets about said axis in a simulated three dimensional presentation (column 2, lines 37-52).

As to claims 10, 23, 36 and 49, Goh also shows the targets are displayed as an animated sequence of movement (column 1, lines 43-50).

As to claims 11, 12, 24, 25, 37, 38, 50 and 51, Goh discloses each of said at least two selectable targets is presented as a polygonal shaped target and polygonal shaped target is capable of displaying content on each of its user-visible sides (figure 6 and column 15, lines 15-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 10-12, 15-17, 23-25, 28-30, 36-38, 41-43, 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh [US. 5,678,015] in view of Matthews, III et al. [US. 5,724,492].

As to claims 2, 15, 28 and 41, the difference between Goh and the claim is interface is capable of varying the displayed size of said targets during said simulated rotation about said axis. Matthews, III shows the feature at column 4, lines 7-15 and column 15, lines 21-30. It would have been obvious to one of ordinary skill in the art, having the teachings of Goh

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and Matthews, III et al. before them at the time the invention was made to modify selectable targets taught by Goh to include displayed size of targets and shape of targets of Matthew Ell al., in order to allow the user to utilize the remainder of the display space to operate other applications as taught by Matthew III et al.

As to claims 3, 16, 29 and 42, Matthews et al. demonstrates targets are associated with a corresponding function capable of being performed in response to selection of said targets by a user via said cursor and said cursor control device (column 12, lines 10-38).

As to claims 4, 17, 30 and 43, Matthews et al. demonstrates interface is capable of displaying additional information, on at least a portion of said display, associated with a specific target when said cursor is positioned at least partially within said specific target's hotspot boundary (column 13, lines 3-23 and column 14, lines 17-25).

As to claims 7, 20, 33 and 46, Matthews et al. also teaches the interface is capable of providing focus to a specific target in response to said cursor being positioned at least partially within said specific target's hotspot boundary (column 3, lines 47-60).

As to claims 8, 9, 21, 22, 34, 35, 47 and 48, while Matthews et al. shows the cursor is capable of modifying its presentation into a shape similar to the shape of a specific target which is being given focus by said cursor, Goh shows the modification in the presentation of said cursor further comprises changing the shape of said cursor into a shape similar to a

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miniature version of the shape of said specific target (column 3, lines 47-60).

As to claims 13, 26, 39 and 52, Matthews et al. also discloses the targets are capable of remaining visible as said targets travel in a simulated rotation about said axis (column 20, lines 6-21).

Response to Arguments

In the Appeal Brief, Applicant's arguments with respect to group I, III and IV have been considered but are moot in view of the new ground(s) of rejection.

Regarding group II, Applicant has argued that Matthews does not teach the display of "additional information" when the cursor is positioned at least partially within said specific target's hotspot boundary, instead Matthew displays text regardless of whether the cursor is within any boundary area. However, Matthews show the feature at column 14, lines 17-25).

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

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Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Kristine Kincaid
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